

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 18-55784

Docketed: 06/14/2018
Termed: 05/01/2019

Nature of Suit: 2895 Freedom of Information Act of 1974

Stephen Yagman v. Gina Haspel, et al

Appeal From: U.S. District Court for Central California, Los Angeles

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) united states
- 3) null

Originating Court Information:

District: 0973-2 : [2:14-cv-08033-PSG-E](#)

Trial Judge: Philip S. Gutierrez, District Judge

Date Filed: 10/17/2014

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
06/12/2018	06/12/2018	06/13/2018	06/13/2018

Prior Cases:

[15-55442](#) **Date Filed:** 03/23/2015 **Date Disposed:** 08/28/2017 **Disposition:** Reversed, Remanded - Opinion

Current Cases:

None

STEPHEN YAGMAN
Plaintiff - Appellant,

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Stephen Yagman
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v.

JOHN OWEN BRENNAN
Terminated: 05/01/2019
Defendant - Appellee,

GINA HASPEL
Defendant - Appellee,

H. Thomas Byron, III, Attorney
[COR NTC Government]
DOJ - U.S. Department of Justice
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Washington, DC 20530

Gerard Sinzdak, Attorney
[COR NTC Government]
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CENTRAL INTELLIGENCE AGENCY
Defendant - Appellee,

H. Thomas Byron, III, Attorney
[COR NTC Government]
(see above)

Gerard Sinzdak, Attorney
[COR NTC Government]
(see above)

STEPHEN YAGMAN,

Plaintiff - Appellant,

v.

GINA HASPEL; CENTRAL INTELLIGENCE AGENCY,

Defendants - Appellees.

06/14/2018	1 16 pg, 785.64 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 06/21/2018. Appellant Stephen Yagman opening brief due 08/13/2018. Appellees John Owen Brennan and Central Intelligence Agency answering brief due 09/11/2018. Appellant's optional reply brief is due 21 days after service of the answering brief. [10908433] (JBS) [Entered: 06/14/2018 09:27 AM]
06/14/2018	2 21 pg, 51.36 KB	Filed (ECF) Appellant Stephen Yagman Motion for miscellaneous relief [Combined motion for determination of appellate jurisdiction and petition for writ of mandamus]. Date of service: 06/14/2018. [10908698] [18-55784] --[COURT UPDATE: Updated docket text to reflect content of filing. 6/14/2018 by TYL] (Yagman, Stephen) [Entered: 06/14/2018 10:40 AM]
06/14/2018	3 112 pg, 5.51 MB	Filed (ECF) Appellant Stephen Yagman Correspondence: Addendum in support of motion. Date of service: 06/14/2018. [10908728] [18-55784] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 6/14/2018 by TYL] (Yagman, Stephen) [Entered: 06/14/2018 10:50 AM]
06/14/2018	4 3 pg, 92.16 KB	Filed (ECF) Appellant Stephen Yagman Mediation Questionnaire. Date of service: 06/14/2018. [10909109] [18-55784] (Yagman, Stephen) [Entered: 06/14/2018 01:06 PM]
06/18/2018	5 2 pg, 110 KB	Filed (ECF) notice of appearance of Gerard Joseph Sinzduk for Appellees John Owen Brennan and CIA. Date of service: 06/18/2018. [10912491] [18-55784] (Sinzduk, Gerard) [Entered: 06/18/2018 01:53 PM]
06/18/2018	6	Added attorney Gerard Sinzduk for John Owen Brennan CIA. [10912583] (RL) [Entered: 06/18/2018 02:19 PM]
06/20/2018	7 2 pg, 194.32 KB	MEDIATION ORDER FILED: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court's mediation program, to request a settlement assessment conf, or to request a stay of the appeal for settlement purposes. Also, upon agreement of the parties, the brfing sch can be modified or vacated to facilitate settlement discussions. Csl are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation. [10915698] (CL) [Entered: 06/20/2018 12:13 PM]
06/25/2018	8 22 pg, 2.21 MB	Filed (ECF) Appellees John Owen Brennan and CIA response opposing motion ([2] Motion (ECF Filing), [2] Motion (ECF Filing)). Date of service: 06/25/2018. [10920490] [18-55784] (Sinzduk, Gerard) [Entered: 06/25/2018 11:13 AM]
06/25/2018	9 7 pg, 24.6 KB	Filed (ECF) Appellant Stephen Yagman reply to response (). Date of service: 06/25/2018. [10920970] [18-55784] (Yagman, Stephen) [Entered: 06/25/2018 02:09 PM]
06/25/2018	10 8 pg, 27.52 KB	Filed (ECF) Appellant Stephen Yagman Corrected reply to response (motion for miscellaneous relief (to be used only if no other relief applies)). Date of service: 06/25/2018. [10921745] [18-55784]--[COURT UPDATE: Edited docket text to reflect correct filing type. 06/26/2018 by RY] (Yagman, Stephen) [Entered: 06/25/2018 11:21 PM]
07/18/2018	11 2 pg, 265.79 KB	Filed order (A. WALLACE TASHIMA, BARRY G. SILVERMAN and PAUL J. WATFORD) The court has received appellant's combined motion for determination of appellate jurisdiction and petition for writ of mandamus (Docket Entry No. [2]). Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. See Bauman v. U.S. Dist. Court, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition for a writ of mandamus contained within the filing at Docket Entry No. [2] is denied. Appellant's request that the action be remanded and re-assigned to a different judge with orders for judgment to be rendered and entered for plaintiff-appellant contained within the filing at Docket Entry No. [2] is denied. In addition to all other issues the

parties wish to raise in their briefs, the parties shall address the finality of the district court's June 12, 2018 order. The briefing schedule established previously remains in effect. [10947465] (HC) [Entered: 07/18/2018 04:16 PM]

08/12/2018	12 68 pg, 968.36 KB	Submitted (ECF) Opening Brief for review. Submitted by Appellant Stephen Yagman. Date of service: 08/12/2018. [10973880] [18-55784] (Yagman, Stephen) [Entered: 08/12/2018 01:42 PM]
08/12/2018	13 149 pg, 7.08 MB	Submitted (ECF) excerpts of record. Submitted by Appellant Stephen Yagman. Date of service: 08/12/2018. [10973881] [18-55784] (Yagman, Stephen) [Entered: 08/12/2018 02:39 PM]
08/14/2018	14 2 pg, 187 KB	Filed clerk order: The opening brief [12] submitted by Stephen Yagman is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the excerpts of record [13] submitted by Stephen Yagman. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10975552] (KWG) [Entered: 08/14/2018 08:33 AM]
08/15/2018	15	Received 7 paper copies of Opening Brief [12] filed by Stephen Yagman. [10978164] (DB) [Entered: 08/15/2018 02:42 PM]
08/15/2018	16	Filed 4 paper copies of excerpts of record [13] in 1 volume(s) filed by Appellant Stephen Yagman. [10978266] (KWG) [Entered: 08/15/2018 03:30 PM]
08/27/2018	17	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees John Owen Brennan and CIA. New requested due date is 10/11/2018. [10989934] [18-55784] (Sinzdak, Gerard) [Entered: 08/27/2018 07:39 AM]
08/27/2018	18	Streamlined request [17] by Appellees John Owen Brennan and CIA to extend time to file the brief is approved. Amended briefing schedule: Appellees John Owen Brennan and Central Intelligence Agency answering brief due 10/11/2018. The optional reply brief is due 21 days from the date of service of the answering brief. [10989946] (JN) [Entered: 08/27/2018 08:00 AM]
10/02/2018	19 5 pg, 85.31 KB	Filed (ECF) Appellees John Owen Brennan and CIA Motion to extend time to file Answering brief until 10/25/2018. Date of service: 10/02/2018. [11031545] [18-55784] (Sinzdak, Gerard) [Entered: 10/02/2018 08:58 AM]
10/03/2018	20 1 pg, 184.71 KB	Filed clerk order (Deputy Clerk: LKK): (ECF Filing) filed by Appellees CIA and John Owen Brennan; Granting Motion [19] (ECF Filing) motion to extend time to file brief filed by Appellees CIA and John Owen Brennan Appellees John Owen Brennan and Central Intelligence Agency answering brief due 10/25/2018. The optional reply brief is due 21 days after service of the answering brief. [11033749] (LKK) [Entered: 10/03/2018 11:17 AM]
10/25/2018	21 34 pg, 185.37 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellees John Owen Brennan and CIA. Date of service: 10/25/2018. [11060100] [18-55784] (Sinzdak, Gerard) [Entered: 10/25/2018 11:36 AM]
10/25/2018	22 17 pg, 2.02 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellees John Owen Brennan and CIA. Date of service: 10/25/2018. [11060104] [18-55784] (Sinzdak, Gerard)

[Entered: 10/25/2018 11:38 AM]

10/25/2018	<u>23</u> 2 pg, 187.52 KB	Filed clerk order: The answering brief <u>21</u> submitted by Appellees is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record <u>22</u> submitted by Appellees. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [11060154] (GV) [Entered: 10/25/2018 11:47 AM]
10/30/2018	24	Received 7 paper copies of Answering Brief <u>21</u> filed by John Owen Brennan and CIA. [11065868] (RG) [Entered: 10/30/2018 12:10 PM]
10/30/2018	25	Filed 4 paper copies of supplemental excerpts of record <u>22</u> in 1 volume(s) filed by Appellees. [11066365] (KWG) [Entered: 10/30/2018 03:05 PM]
10/30/2018	<u>26</u> 25 pg, 58.83 KB	Submitted (ECF) Reply Brief for review. Submitted by Appellant Stephen Yagman. Date of service: 10/30/2018. [11066643] [18-55784] (Yagman, Stephen) [Entered: 10/30/2018 04:59 PM]
10/31/2018	<u>27</u> 2 pg, 186.54 KB	Filed clerk order: The reply brief <u>26</u> submitted by Stephen Yagman is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [11066995] (KWG) [Entered: 10/31/2018 10:10 AM]
11/05/2018	28	Received 7 paper copies of Reply Brief <u>26</u> filed by Stephen Yagman. [11072176] (DB) [Entered: 11/05/2018 02:29 PM]
11/15/2018	<u>29</u> 3 pg, 12.57 KB	Filed (ECF) Errata to Reply Brief (<u>26</u> Brief Submitted for Review (ECF Filing)). Filed by Appellant Stephen Yagman. Date of service: 11/15/2018. [11089098] [18-55784] (Yagman, Stephen) [Entered: 11/15/2018 01:16 PM]
11/25/2018	<u>30</u> 3 pg, 12.67 KB	Filed (ECF) Appellant Stephen Yagman citation of supplemental authorities. Date of service: 11/25/2018. [11097871] [18-55784] (Yagman, Stephen) [Entered: 11/25/2018 10:39 AM]
11/26/2018	<u>31</u> 4 pg, 13.73 KB	Filed (ECF) Appellant Stephen Yagman citation of supplemental authorities. Date of service: 11/26/2018. [11098909] [18-55784] (Yagman, Stephen) [Entered: 11/26/2018 01:40 PM]
11/30/2018	<u>32</u> 2 pg, 110.67 KB	Filed (ECF) notice of appearance of H. Thomas Byron III for Appellees CIA and John Owen Brennan. Date of service: 11/30/2018. [11105291] [18-55784] (Byron, H. Thomas) [Entered: 11/30/2018 03:00 PM]
12/03/2018	33	Added attorney H. Thomas Byron III for John Owen Brennan and CIA, in case 18-55784. [11106392] (QDL) [Entered: 12/03/2018 09:31 AM]
12/11/2018	<u>34</u> 1 pg, 31.57 KB	Filed clerk order (Deputy Clerk: OC): The previous panel has retained jurisdiction of this appeal. [11117680] (OC) [Entered: 12/11/2018 04:03 PM]
12/26/2018	<u>35</u>	Filed (ECF) Appellant Stephen Yagman Correspondence: Oral argument scheduling. Date of service: 12/26/2018. [11133568] [18-55784] --[COURT UPDATE: Updated docket text to

018	3 pg, 12.25 KB	reflect correct ECF filing type. 12/26/2018 by TYL] (Reichmann, Joseph) [Entered: 12/26/2018 12:16 PM]
12/31/2018	36 18 pg, 3.01 MB	Filed (ECF) Appellant Stephen Yagman citation of supplemental authorities. Date of service: 12/31/2018. [11136833] [18-55784] (Yagman, Stephen) [Entered: 12/31/2018 09:57 AM]
04/06/2019	37 10 pg, 487.99 KB	Filed (ECF) Appellant Stephen Yagman citation of supplemental authorities. Date of service: 04/06/2019. [11255271] [18-55784] --[COURT UPDATE: Attached searchable version of citation. 4/8/2019 by TYL] (Yagman, Stephen) [Entered: 04/06/2019 02:16 PM]
04/14/2019	38 10 pg, 436.28 KB	Filed (ECF) Appellant Stephen Yagman citation of supplemental authorities. Date of service: 04/14/2019. [11262880] [18-55784] (Yagman, Stephen) [Entered: 04/14/2019 10:47 AM]
04/16/2019	39 14 pg, 511.52 KB	Filed (ECF) Appellant Stephen Yagman citation of supplemental authorities. Date of service: 04/16/2019. [11265280] [18-55784] (Yagman, Stephen) [Entered: 04/16/2019 10:30 AM]
04/18/2019	40	Terminated Amy Elizabeth Powell for CIA and John Owen Brennan in 18-55784 for failure to register for electronic filing. [11268768] (SLM) [Entered: 04/18/2019 01:12 PM]
04/29/2019	41 16 pg, 739.44 KB	Filed (ECF) Appellant Stephen Yagman citation of supplemental authorities. Date of service: 04/29/2019. [11280959] [18-55784] (Yagman, Stephen) [Entered: 04/29/2019 03:40 PM]
05/01/2019	42 11 pg, 309.78 KB	FILED MEMORANDUM DISPOSITION (A. WALLACE TASHIMA, RICHARD A. PAEZ and PAUL L. FRIEDMAN) The parties shall bear their own costs on appeal. AFFIRMED in part, REVERSED in part and REMANDED for further proceedings. FILED AND ENTERED JUDGMENT. [11283110] (MM) [Entered: 05/01/2019 10:20 AM]
05/01/2019	43	Appellee John Owen Brennan in 18-55784 substituted by Appellee Gina Haspel in 18-55784 [11283164] (RY) [Entered: 05/01/2019 10:42 AM]
05/01/2019	44 4 pg, 13.62 KB	Filed (ECF) Appellant Stephen Yagman motion for reconsideration of dispositive Judge Order of 05/01/2019. Date of service: 05/01/2019. [11283331] [18-55784] (Yagman, Stephen) [Entered: 05/01/2019 11:41 AM]
05/04/2019	45 1 pg, 17.7 KB	Filed (ECF) Appellant Stephen Yagman Correspondence: Circuit Rule 36-4 request for publication of memorandum disposition. Date of service: 05/04/2019 [11286772] [18-55784] (Yagman, Stephen) [Entered: 05/04/2019 10:57 AM]
